

RemarksRejection Over Hartenstein

The outstanding Office Action includes a rejection of claims 1, 4-8, 25, and 27-31 under 35 U.S.C. § 102(b) over GB 1 442 885 (Hartenstein). In view of the cancellation of claims 1, 4-8, 25, and 27-31, this rejection has been rendered moot. Accordingly, withdrawal of this rejection is requested.

Rejection Over Karlheinz

The outstanding Office Action includes a rejection of claims 1, 5-11, 25, 28-34, and 38-40 under 35 U.S.C. § 103(a) over GB 2 372 500 (Karlheinz). In view of the cancellation of claims 1, 5-11, 25, 28-34, and 38-40, this rejection has been rendered moot. Accordingly, withdrawal of this rejection is requested.

Rejection Over Hartenstein

The outstanding Office Action includes a rejection of claims 1, 4-11, 25, 27-34, and 38-53 under 35 U.S.C. § 103(a) over Hartenstein. This rejection is traversed.

The invention is directed at a warewashing detergent composition comprising a cleaning agent, an alkaline source, a corrosion inhibitor, and encapsulated chlorine bleaching agent. The corrosion inhibitor includes a source of aluminum ion and a source of zinc ion, and the amount of the source of aluminum ion and the source of zinc ion are sufficient to provide a weight ratio of aluminum ion to zinc ion of about 1:6 to about 1:20. The Applicants discovered that by controlling the ratio of the aluminum ion to the zinc ion in the use solution (the composition that contacts the ware), it is possible to provide reduced corrosion and/or etching of glass compared to the use of either component alone. By providing the chlorine bleaching agent as an encapsulated chlorine bleaching agent, the stability of the chlorine bleaching agent can be improved. It is pointed out that dependent claim 46 provides for a presence of about 0.1 wt. % to about 10 wt. % of the bleaching agent.

Hartenstein fails to disclose a warewashing composition containing encapsulated chlorine bleaching agent. Hartenstein is directed at stabilizing a chlorine detergent composition against "the rapid decomposition of the chlorine releasing components." See Hartenstein at page 1, lines 37-43. In order to stabilize the detergent composition, Hartenstein describes the use of a chlorine stabilizer comprising a mixture of aluminum salt and zinc salt. See Hartenstein at page 1, lines 44-50. Accordingly, Hartenstein is directed at stabilizing a detergent composition against chlorine degradation. An exemplary active chlorine releasing compound disclosed in the examples of Hartenstein includes potassium dichloroisocyanurate. See the comparative examples and the examples provided on pages 2-4 of Hartenstein. It is submitted that Hartenstein fails to disclose encapsulating the active chlorine releasing compounds.

It is submitted that one having ordinary skill in the art would not have received the suggestion to modify Hartenstein to encapsulate the active chlorine releasing compound disclosed by Hartenstein. First of all, it is pointed out that the outstanding Office Action fails to provide any support for the contention that it would have been obvious to encapsulate the active chlorine releasing compound. Furthermore, the purpose of the "chlorine stabilizer" disclosed by Hartenstein is to reduce chlorine degradation resulting from contact of the active chlorine releasing compound with water and other components such as alkalinity. It is submitted that if one were to modify Hartenstein to encapsulate the active chlorine releasing compound, there would be no reason to include the chlorine stabilizer according to Hartenstein. Accordingly, modifying Hartenstein to replace the active chlorine releasing compound with an encapsulated chlorine bleaching agent would destroy the fundamental teachings of Hartenstein which is to utilize a "chlorine stabilizer comprising a mixture of aluminum salt and zinc salt" to reduce degradation of active chlorine releasing compound resulting from contact with water and other components such as alkalinity.

Furthermore, nowhere does Hartenstein disclose the use of a corrosion inhibitor for reducing corrosion and/or etching of glass according to the present invention. Whereas the present invention is directed at providing reduced corrosion and/or etching of glass, Hartenstein is concerned with reducing degradation of an active chlorine releasing compound. The Applicants address the issue of reducing degradation of active chlorine releasing compound in a manner different from the disclosure of Hartenstein. The Applicants provide for reducing

degradation of the active chlorine releasing compound by encapsulating the active chlorine releasing compound. In contrast, Hartenstein is not aware of the possibility of encapsulating an active chlorine releasing compound to reduce degradation of the active chlorine releasing compound. Instead, Hartenstein incorporates a "chlorine stabilizer comprising a mixture of aluminum salt and zinc salt" to reduce degradation.

In view of the above comments, it is submitted that one having ordinary skill in the art would not have received the suggestion from Hartenstein to modify Hartenstein by replacing the "active chlorine releasing compound" disclosed by Hartenstein with encapsulated chlorine bleaching agent according to the present invention. Even though the outstanding Office Action fails to rely upon any prior art suggesting such a modification, it is pointed out that such a modification would destroy the teachings of Hartenstein by negating the need for the "chlorine stabilizer" which is the focus of the invention described by Hartenstein. Accordingly, the claimed invention would not have been obvious from Hartenstein, and withdrawal of this rejection is requested.

Rejection Over Hahn

The outstanding Office Action includes a rejection of claims 1, 5-11, 25, 28-34, and 38-53 under 35 U.S.C. § 103(a) over International Publication No. WO 02/068352 (Hahn). This rejection is traversed.

It is pointed out that International Publication No. WO 02/068352 claims priority to the same application that published as GB 2 372 500 (Karlheinz). Accordingly, it is submitted that the disclosures of International Publication No. WO 02/068352 and GB 2 372 500 are essentially identical.

Hahn fails to disclose a warewashing detergent composition containing encapsulated chlorine bleaching agent according to the present invention, fails to disclose a detergent composition containing surfactant according to the present invention, and fails to disclose a detergent composition containing an alkaline source according to the present invention. Furthermore, Hahn fails to disclose a detergent composition containing a corrosion inhibitor for reducing corrosion and/or etching of glass according to the present invention. Hahn fails to

disclose a warewashing detergent composition containing encapsulated chlorine bleaching agent according to the present invention, and fails to disclose a corrosion inhibitor for reducing corrosion and/or etching of glass according to the present invention.

The composition disclosed by Hahn is not a warewashing detergent composition. Hahn discloses a water-soluble glass composition. Apparently, the water-soluble glass composition disclosed by Hahn is intended to be placed in a dishwasher and allowed to degrade over multiple dishwashing cycles. The Examiner's attention is directed to Hahn at page 5, lines 10-16.

The Examiner acknowledges that the water-soluble glass composition disclosed by Hahn does not include a surfactant. See page 5 of the outstanding Office Action. Nowhere does the outstanding office action contend that Hahn discloses a detergent composition.

The outstanding Office Action appears to take the position that the use composition provided within a dishwashing machine satisfies the presently claimed invention. As stated on page 5 of the outstanding Office Action, "the examiner maintains this 'in-use' composition satisfies the material limitations of the claims at hand." This contention is incorrect. In particular, the warewashing detergent composition according to claim 43 is directed at a detergent composition concentrate and not a detergent composition use solution. This is apparent from the claim limitation characterizing the presence of "encapsulated chlorine bleaching agent." Furthermore, the range of surfactant is consistent with a detergent composition concentrate. Clearly, the warewashing detergent composition according to the present invention is directed at a detergent composition concentrate, and the outstanding Office Action fails to establish a *prime facie* case of obviousness with respect to the detergent composition concentrate of claim 43.

When an encapsulated chlorine bleaching agent is contacted with water in a dishwashing machine, the chlorine bleaching agent is released and is no longer an encapsulated chlorine bleaching agent. Clearly, the characterization of the presence of an encapsulated chlorine bleaching agent in the warewashing detergent composition according to independent claim 43 indicates that independent claim 43 refers to a concentrate.

The Examiner's contention that a use composition inside of a dishwashing machine that includes the water-soluble glass composition disclosed by Hahn would inherently achieve the present invention is simply an example of overreaching. The warewashing detergent composition provided by independent claim 43 is directed at a concentrate that contains each of the components identified in claim 43. It is simply incredible that the outstanding Office Action can acknowledge that three out of four of the listed components in independent claim 43 are missing from Hahn and still contend that the claimed composition would have been obvious from Hahn. If the Examiner persists in this rejection, the Examiner is requested to show where the features of claim 43 can be found in the prior art.

Clearly, Hahn describes a water-soluble glass composition that is considerably different from the warewashing detergent composition according to independent claim 43.

In view of the above comments, the claimed invention would not have been obvious from Hahn, and withdrawal of the rejection over Hahn is requested.

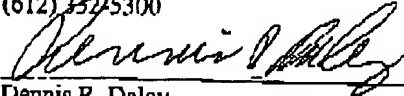
In order to establish a *prima facie* case of obviousness, the Examiner must set forth prior art which teaches or suggests every claim limitation. See MPE § 2143. There is nothing in the prior art relied upon in the outstanding Office Action that mentions the use of encapsulated chlorine bleaching agent according to the present invention. Accordingly, if the Examiner continues to reject claims 43-53, the Examiner is requested to show where the prior art discloses the use of encapsulated chlorine bleaching agent according to the present invention.

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: January 30, 2006


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